

## UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

Fredrick J. Leavitt

## JUDGMENT IN A CRIMINAL CASE

Case Number: 2:17-cr-00391-APG-VCF-1

USM Number: 54518-048

Paul Padda and Thomas Pitaro

Defendant's Attorney

**THE DEFENDANT:** pleaded guilty to count(s) One and Two of the Superseding Criminal Information pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court. was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

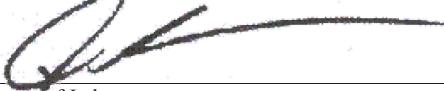
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1349	Honest Services Fraud Conspiracy	2/18/2016	1
18:371	Conspiracy to Defraud the United States	11/24/2014	2

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. The defendant has been found not guilty on count(s) \_\_\_\_\_ Count(s) all remaining  is  are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

4/11/2022

Date of Imposition of Judgment



Signature of Judge

ANDREW P. GORDON, UNITED STATES DISTRICT JUDGE

Name and Title of Judge

April 15, 2022

Date

DEFENDANT: Fredrick J. Leavitt  
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## IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:  
30 months, per count, concurrent.

The court makes the following recommendations to the Bureau of Prisons:

**Based on the proximity of family, the Court recommends the defendant be permitted to serve his term of incarceration at 1. FPC Duluth (Minnesota) or 2. FPC Yankton (South Dakota).**

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.     p.m.    on \_\_\_\_\_ .

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

by 12 p.m. (NOON) on July 22, 2022 .

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

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## SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

3 years, per count, concurrent.

## MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.  
 The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4.  You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5.  You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6.  You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7.  You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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## STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the specific risks posed by your criminal record and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the specific risks posed by your criminal record.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### **U.S. Probation Office Use Only**

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

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## SPECIAL CONDITIONS OF SUPERVISION

1. Search and Seizure – You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

2. Mental Health Treatment – You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay the costs of the program.

3. Access to Financial Information – You must provide the probation officer access to any requested financial information and authorize the release of any financial information. The probation office will share financial information with the U.S. Attorney's Office.

4. Debt Obligations – You must not incur new credit charges, or open additional lines of credit without the approval of the probation officer.

5. No Contact – You must not communicate, or otherwise interact, with Dustin M. Lewis, either directly or through someone else, without first obtaining the permission of the probation office.

6. Community Service – You must complete 100 hours of community service to be performed during the three years of supervision. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer.

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**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<b>TOTALS</b>	<b><u>Assessment</u></b>	<b><u>Restitution</u></b>	<b><u>Fine</u></b>	<b><u>AVAA Assessment*</u></b>	<b><u>JVTA Assessment**</u></b>
	\$ 200.00	\$ 704,002.00	\$ 0.00	\$ 0.00	\$ 0.00

The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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(See Attached Restitution List)

<b>TOTALS</b>	\$ <u>0.00</u>	\$ <u>0.00</u>
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Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the  fine  restitution.

the interest requirement for the  fine  restitution is modified as follows:

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

\*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A  Lump sum payment of \$ 200.00 due immediately, balance due  
 not later than \_\_\_\_\_, or  
 in accordance with  C,  D,  E, or  F below; or

B  Payment to begin immediately (may be combined with  C,  D, or  F below); or

C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or

D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F  Special instructions regarding the payment of criminal monetary penalties:  
 Defendant shall pay restitution in the amount of \$704,002.00, with interest to begin accruing after the 15th day from entry of judgment. It is recommended that any unpaid balance shall be paid at a rate of not less than \$25.00 per quarter during incarceration, and then 10% of any gross income earned, subject to adjustment by the Court based upon ability to pay.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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Dustin M. Lewis-2		\$704,002.00	

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:  
(see attached final order of forfeiture)

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

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7                   **UNITED STATES DISTRICT COURT**  
8                   **DISTRICT OF NEVADA**

9                   UNITED STATES OF AMERICA,

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10                  Plaintiff,

**Final Order of Forfeiture**

11                  v.

12                  FREDRICK J. LEAVITT,

13                  Defendant.

14                  The United States District Court for the District of Nevada entered a Preliminary  
15 Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2) and 18 U.S.C. §  
16 981(a)(1)(C) with 28 U.S.C. § 2461(c) based upon the plea of guilty by Fredrick J. Leavitt to  
17 the criminal offense, forfeiting the property and imposing an in personam criminal forfeiture  
18 money judgment set forth in the Plea Agreement and the Forfeiture Allegation of the  
19 Superseding Criminal Information and shown by the United States to have the requisite  
20 nexus to the offense to which Fredrick J. Leavitt pled guilty. Superseding Criminal  
21 Information, ECF No. 56; Plea Agreement, ECF No. 58; Preliminary Order of Forfeiture,  
22 ECF No. 59; Arraignment and Plea, ECF No. 60.

23                  This Court finds that on the government's motion, the Court may at any time enter  
24 an order of forfeiture or amend an existing order of forfeiture to include subsequently  
25 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and  
26 32.2(b)(2)(C).

27                  The in personam criminal forfeiture money judgment amount of \$201,250 complies  
28 with *Honeycutt v. United States*, 137 S. Ct. 1626 (2017).

1        This Court finds the United States published the notice of forfeiture in accordance  
2 with the law via the official government internet forfeiture site, www.forfeiture.gov,  
3 consecutively from October 18, 2019, through November 16, 2019, notifying all potential  
4 third parties of their right to petition the Court. Notice of Filing Proof of Publication  
5 Exhibits, ECF No. 62-1, p. 5.

6        This Court finds the United States notified known third parties by personal service or  
7 by regular mail and certified mail return receipt requested of their right to petition the Court.  
8 Notice of Filing Service of Process – Mailing, ECF No. 63; Notice of Filing Service of  
9 Process – Personal Service, ECF No. 64.

10      On November 5, 2019, the United States Attorney's Office served Tracey Leavitt  
11 with copies of the Preliminary Order of Forfeiture and the Notice through regular mail and  
12 certified mail return receipt requested. Notice of Filing Service of Process – Mailing  
13 Exhibits, ECF No. 63-1, p. 3, 5-7, 9-12, 15-16, 18.

14      On November 5, 2019, the United States Attorney's Office served the Department of  
15 the Interior with copies of the Preliminary Order of Forfeiture and the Notice through  
16 regular mail and certified mail return receipt requested. Notice of Filing Service of Process –  
17 Mailing Exhibits, ECF No. 63-1, p. 3, 5-7, 9-12, 14, 17-18.

18      On November 14, 2019, the United States Marshals Service attempted to personally  
19 serve Tracey Lynn Leavitt with copies of the Preliminary Order of Forfeiture and the  
20 Notice. Notice of Filing Service of Process – Personal Service Exhibits, ECF No. 64-1.

21      This Court finds no petition was filed herein by or on behalf of any person or entity  
22 and the time for filing such petitions and claims has expired.

23      This Court finds no petitions are pending regarding the property named herein and  
24 the time for presenting such petitions has expired.

25      THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that  
26 all possessory rights, ownership rights, and all rights, titles, and interests in the property  
27 hereinafter described are condemned, forfeited, and vested in the United States:

28            1. \$87,500; and

2. \$62,225 in lieu of 2016 Grey Mercedes Benz CLS 63 AMG S-Model, Nevada License Plate NV5536, VIN WDDLJ7GB5GA159973, Registered To Fredrick Joseph Leavitt Or Tracey Lynn Leavitt

(all of which constitutes property); and

that the United States recover from Fredrick J. Leavitt the in personam criminal forfeiture money judgment of \$201,250, not to be held jointly and severally liable with any codefendants, the collected money judgment amount between the codefendants is not to exceed \$875,000, and that the property will be applied toward the payment of the money judgment; and

the forfeiture of the money judgment and the property is imposed pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P. 32.2(c)(2); 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(p); and 21 U.S.C. § 853(n)(7); that the money judgment shall be collected; and that the property and the collected amount shall be disposed of according to law.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds, including but not limited to, currency, currency equivalents, certificates of deposit, as well as any income derived as a result of the government's management of any property forfeited herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this Order to all counsel of record and three certified copies to the United States Attorney's Office, Attention Asset Forfeiture Unit.

DATED April 12, 2022, 2021.

**ANDREW P. GORDON**  
**UNITED STATES DISTRICT JUDGE**

**U.S. v. Fredrick Leavitt, et al  
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Restitution List**

Southern California  
Public Power Authority  
1160 Nicole Ct  
Glendora, CA 91740

Total Restitution: \$ 704,002.00